

its use for constitutional purposes of lands of the United States situated within the State. It follows as a corollary that a State cannot obstruct the United States in the acquisition of lands within the State which are required for essential uses of the Federal Government. The right of the United States to acquire land for its uses within a State cannot be denied or hampered by State law. The authority of the Federal Government to acquire land within a State to enable it to perform its proper functions for a necessary and properly authorized purpose is inherent in the sovereignty of the Government.¹ However, if the State has not consented to the acquisition or has not in some manner recognized by law granted a part of its jurisdiction, then the jurisdiction of the Federal Government over such lands is limited to the exercise of those powers which are necessary and proper to accomplish the purpose for which the land is to be used. Mere ownership of land does not put the United States in a different position as regards the matter of jurisdiction over it than that which existed prior to its acquisition, nor is the situation of the State with respect to such land altered thereby.² Neither does occupancy alone confer jurisdiction upon the United States. If there has been no cession by the State, the original jurisdiction reserved to the State under the Constitution will remain undisturbed. "Mere ownership and occupancy, by the United States, of land within a State, do not suffice to oust the jurisdiction of the State, even when such occupancy is with the full knowledge and tacit consent of such State."³

8. State and Federal Governments may agree on extent of jurisdiction to be exercised by each.—Because of the particular Federal use to be made of lands, as for instance military or naval uses, or for other reasons, it is often desirable that the Federal Government be permitted to exercise complete jurisdiction over lands situated within a State. Likewise, because of the location of the land, the impracticability of enforcing State or local police laws therein, or for other reasons, it is sometimes beneficial to the State that all or part of its jurisdiction be relinquished to the Federal Government. In such situations it is permissible for the two Governments to reach an agreement as to the respective

¹ In re United States, 28 Fed. Sup. 758; *Kohl et al. v. United States*, 91 U. S. 367, 371; *Surplus Trading Co. v. Cook*, 281 U. S. 647, 50 S. Ct. 455; *Chappell v. United States*, 160 U. S. 499, 16 S. Ct. 397; *Hanson Lumber Co. v. United States*, 261 U. S. 581, 43 S. Ct. 442; *Fort Leavenworth Railroad Co. v. Lowe*, 114 U. S. 525, 531, 5 S. Ct. 995; *Cherokee Nation v. Southern Kansas Railway Co.*, 135 U. S. 641, 656, 10 S. Ct. 965.

² *United States v. San Francisco Bridge Co.*, 88 Fed. 891, 894; *United States v. Penn.*, 48 Fed. 669; *Fort Leavenworth Railroad Co. v. Lowe*, 114 U. S. 525, 531, 539, 5 S. Ct. 995; *Surplus Trading Co. v. Cook*, 281 U. S. 647, 650, 652, 50 S. Ct. 455; *James v. Dravo Contracting Co.*, 302 U. S. 134, 141, 58 S. Ct. 208; *Silas Mason Co. v. Tax Commission*, 302 U. S. 187, 197, 58 S. Ct. 233; *Arlington Hotel Co. v. Fant*, 278 U. S. 439, 451, 49 S. Ct. 227; *United States v. Unzeuta*, 281 U. S. 138, 142, 50 S. Ct. 284; *State v. Blair*, 238 Ala. 377, 191 So. 237.

³ 7 Atty. Gen. 573.